

**James Madison to Edmund Pendleton, May 29, 1781.
Transcription: The Writings of James Madison,
ed. Gaillard Hunt. New York: G.P. Putnam's Sons,
1900-1910.**

TO EDMUND PENDLETON.¹

1 From the Madison Papers (1840).

Philadelphia, May 29, 1781.

Dear Sir, —The two circumstances relating to the proposed duty on trade, mentioned in your favor of the first instant, were subjects of discussion when the measure was on the anvil. It was evident that the disposition of the States to invest Congress with such a power would be influenced by the length of the term assigned for the exercise of it. It was equally evident that no provision would satisfy the present creditors of the United States, or obtain future loans, that was not commensurate to all the public engagements. In order to reconcile these points, the duration of the impost was limited, but limited in so indefinite a manner as not to defeat the object of it. Should the increase of trade render the duty more productive than was estimated, it must the sooner extinguish the public debts, and cease. The application of Congress for such a power supposes, indeed, a confidence in them, on the part of the States, greater perhaps than many may think consistent with republican jealousy; but if the States will not enable their Representatives to fulfil their engagements, it is not to be expected that individuals either in Europe or America will confide in them. The second objection you mention was also a subject of much discussion in Congress. On one side it was contended that the powers incident to the collection of a

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duty on trade were in their nature so municipal, and in their operation so irritative, that it was improbable that the States could be prevailed on to part with them; and

that, consequently, it would be most prudent to ask from the States nothing more than the duty itself, to be collected by State officers, and paid to a Continental Receiver; and not the right of collecting it by officers of Congress. On the opposite side it was urged, that as Congress would be held responsible for the public debts, it was necessary, and would be expected, that the fund granted for discharging them should be exclusively and independently in their hands; that if the collectors were under the control of the States, the urgency of their wants would be constantly diverting the revenue from its proper destination; that if the States were willing to give up the thing itself, it was not likely they would cavil at any form that would be most effectual; that the term proposed might be reconciled with their internal jurisdictions, by annexing to the *office* of collector all the powers incident thereto, and leaving to Congress the right of appointing the *officer*. How far it may be best to appoint the established naval officer, I am not prepared to say; but should that be found to be the case, they will exercise their new functions, not as naval officers of the State, but as invested with a separate commission by Congress, in such manner that in the former respect they are wholly exempt from the jurisdiction of Congress, and in the latter from that of the State. Such a junction of powers, derived from different sources, in the same person, certainly has its inconveniences, but there will be many instances of it in our complex government. I have met with so many interruptions this morning, that I fear I may have not done justice to the

subject in my explanation of it. Another consequence is, that I must be very brief on the head of intelligence to make sure of the post.